

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

TONY VALDEZ GOMEZ,
TDCJ-CID NO. 638329,

Plaintiff,

v.

UNKNOWN DEFENDANT, et al.,

Defendants.

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MISCELLANEOUS NO. V-MC-03-008

MEMORANDUM OPINION AND ORDER

Tony Valdez Gomez, an inmate of the Texas Department of Criminal Justice-Institutional Division, filed a civil rights complaint. He has also filed an Application to Proceed In Forma Pauperis. Gomez's complaint will be dismissed because it is frivolous and because he is barred from filing new complaints.

Gomez's pleadings are practically unintelligible, but it appears that he is complaining about various legal procedures which have been applied to his previous civil actions. Gomez has a history of filing prisoner civil rights complaints; at least four of them have been dismissed as frivolous. *See Gomez v. Unknown Defendant*, No. SA-04-CA-0006OG (W.D. Tex. Jan. 14, 2004) (citing *Gomez v. Johnson*, No. 3:99-CA-1188 (N.D. Tex. Jul. 26, 1999)); *Gomez v. TDCJ-ID*, No. 1:00-CA-103 (E.D. Tex. Mar. 30, 2000); *Gomez v. Johnson*, No. H-01-1325 (S.D. Tex. Mar. 30, 2000); *Gomez v. U.S. District Court for the Southern District of Texas*, No. S.A.-01-CA-342-OG (W.D. Tex. May 28, 2002). Gomez has also been sanctioned by the United States District Court for the Western District of Texas for filing abusive threatening and abusive statements. *Id.* (citing *Gomez v. Barnhart*, No. 5:02-CA-329-OG (W.D. Tex. May 28, 2002)). Gomez is barred from filing any

further documents in that court until he has paid a \$ 200.00 sanction and has apologized to that court. As this date, the records do not indicate that he has either paid the sanction or apologized.

In reviewing the pleadings filed in the current action, this court has determined that Gomez also appears to have an identity problem as well a lack of ability to express a coherent argument. He refers to himself as “Tony Boxing Association Gomez” (Docket Entry No. 1 at 1); he also states that he has been known as George W. Bush and Bill Clinton (Docket Entry No. 5, at 2). Such irrational statements do not merit further review and the complaint is subject to dismissal as frivolous. *Booker v. Koonce*, 2 F.3d 114, 115 (5th Cir.1993). *See also Prewitt v. United States Postal Serv.*, 754 F.2d 641, 641 (5th Cir. 1985) (“[W]e stand at the gate of the realms of fantasy. We decline to enter in.”).

In addition to being frivolous, this action is subject to dismissal because Gomez has been barred by court order and under the provisions of the Prison Litigation Reform Act (PLRA) of 1995. Under the PLRA, barring a showing of imminent danger, a prisoner may not file an action without prepayment of the filing fee if he has, on three or more prior occasions, filed a prisoner action in federal court which was dismissed because it was frivolous, malicious, or failed to state a claim upon which relief could be granted. 28 U.S.C. § 1915(g); *Adepegba v. Hammons*, 103 F.3d 383, 385 (5th Cir. 1996). Gomez has more than three frivolous dismissals, and there are no indications that he is in any real danger.

Conclusion

The court **ORDERS** the following:

1. All pending applications and motions are **DENIED**.
2. This civil rights complaint filed by Tony Valdez Gomez # 638359, is **DISMISSED** with prejudice as frivolous under 28 U.S.C. § 1915(e) and because the complaint was filed in violation of court orders and the provisions of 28 U.S.C. § 1915(g).

3. The Clerk will provide copies of this Memorandum Opinion and Order to the parties; to the TDCJ - Office of the General P.O. Box 13084, Capitol Station, Austin, TX 78711, Fax 512-936-2159; and to the Clerk of the United States District Court for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Betty Parker.

SIGNED on this 7th day of July, 2006.


JOHN D. RAINEY
UNITED STATES DISTRICT JUDGE